IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(Crl.).No. 263 of 2007(S)

PETITIONER:

BIJU JOHN, AGED 37, MATTACKAL HOUSE,
VAYALATHALA P.O., RANNY, PATHANAMTHITTA DISTRICT.
PIN 689 645.

BY ADV. SRI.JOSEPH GEORGE

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY
SECRETARY (HOME), GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

3. THE CIRCLE INSPECTOR OF POLICE,
RANNY, PATHANAMTHITTA DISTRICT.

4. THE SUB INSPECTOR OF POLICE, RANNY
POLICE STATION, PATHANAMTHITTA DISTRICT.

5. C.T.JOSEPH AGED 55, S/O.JOSEPH,
CHIRACKAL HOUSE, KOONAMKARA P.O., PERUNADU-
NEDUMON, RANNY, PATHANAMTHITTA DISTRICT.

R1 to R4 BY GOVT.PLEADER SRI C.M.KAMMAPPU

R5 BY ADV. SRI.SUNIL JACOB JOSE

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 20/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 PHOTOCOPY OF COMPLAINT DTD. 8/11/2007 SUBMITTED BEFORE THE 4TH RESPONDENT.

True Copy

P.S.TO JUDGE.

P.R. RAMAN & V. K. MOHANAN, JJ.

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W.P.(CRL) NO. 263 OF 2007

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DATED THIS, THE 20TH DAY OF NOVEMBER, 2007.

J U D G M E N T

Raman, J.

Petitioner, in this Habeas Corpus Writ Petition, seeks for production of his wife Deepa Biju and minor son Alan before this Court and to pass appropriate orders that may be fit and proper in the facts and circumstances of the case.

2. Pursuant to the notice issued, the alleged detenue Deepa Biju, along with her father, who is the 5th respondent in this writ petition, appeared before us. The minor son was also produced. We interacted with the petitioner, the alleged detenue Deepa Biju as also with the 5th respondent for a considerably long time. Deepa Biju, the alleged detenue stated that she is working as a Nurse at Nazik and the child is also with her and that she is not under the illegal custody of her father, the 5th respondent. She also stated that she is not inclined to go along with the petitioner. Our effort to bring the parties to a compromise with a view that the petitioner and his family may live together and lead a peaceful married life did not yield any result.

Since Ms. Deepa Biju is admittedly a major and the child is only one year old and in view of her statement that she is not under the illegal custody of her father, we close this writ petition leaving the parties to work out their remedies in appropriate forum, if they are otherwise, entitled to in law.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-